

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
3 CHARLOTTE DIVISION  
4 CIVIL ACTION NO. 3:20-CV-00504-FDW-DSC

5 CPI SECURITY SYSTEMS, INC.,  
6 Plaintiff and Counterclaim Defendant,

7 vs.

8 VIVINT SMART HOME, INC., f/k/a  
9 Mosaic Acquisition Corp.; and  
LEGACY VIVINT SMART HOME, INC.,  
f/k/a Vivint Smart Home, Inc.,

Defendants and Counterclaimants.

10 VIDEOCONFERENCE  
11 AND VIDEOTAPED

12 DEPOSITION OF: LAURA WARD

13 DATE: Tuesday, July 20, 2021

14 TIME: 3:19 p.m.

15 LOCATION: Springhill Suites by Marriott Sumter  
2645 Broad Street

16 Sumter, South Carolina 29150

17 TAKEN BY: Attorney for Plaintiff/  
Counterclaim Defendant  
CPI Security Systems, Inc.

18 REPORTED BY: Ann C. Makris, Court Reporter

19  
20  
21  
22  
23  
24  
25 Job No. CS4699399

1 APPEARANCES OF COUNSEL:

2 ATTORNEY FOR PLAINTIFF  
3 AND COUNTERCLAIM DEFENDANT:

4 SHOOK, HARDY & BACON, L.L.P.

5 BY: Charles C. Eblen

6 2555 Grand Boulevard

7 Kansas City, Missouri 64108-2613

8 (816) 474-6550

9 ceblen@shb.com

10 ATTORNEYS FOR DEFENDANTS  
11 AND COUNTERCLAIMANTS:

12 GREENBERG TRAURIG, P.A.

13 BY: GREGORY W. HERBERT

14 450 South Orange Avenue, Suite 650

15 Orlando, Florida 32801

16 herbert@gtlaw.com

17 (407) 420-1000

18 IN ATTENDANCE: Rodney Myers, Videographer

19 Veritext

20 Alan Metts, Laptop Tech

21  
22  
23  
24  
25 (INDEX AT REAR OF TRANSCRIPT)

1 did see the sign because he -- he -- he stressed that he  
2 -- he didn't -- he -- he wasn't a solicitor.

3 Q. All right. All right. So you started  
4 saying that you said "he." Let's focus in on sometime  
5 in late June of 2020, did someone who you now understand  
6 worked for Vivint approached your home?

7 MR. HERBERT Object to the form; leading.

8 A. Correct.

9 BY MR. EBLEN:

10 Q. In two-thousand -- in June of 2020, did  
11 anyone from an alarm company come to your door?

12 A. Yes, sir.

13 Q. And who do you now understand or -- or let  
14 me ask that differently.

15 From what company do you now understand  
16 the gentleman who approached your door in June of 2020  
17 worked?

18 A. Vivint.

19 Q. When he approached -- well, describe what  
20 happened when that gentleman approached your house in  
21 June of 2020.

22 MR. HERBERT: We object to the form.

23 A. Do you want me to answer that?

24 Q. Yes, please.

25 A. Well, he showed up in my yard and rung my

1 doorbell and he -- I -- I walked -- I walked over to the  
2 window and I told him to look at the sign on my door  
3 meaning no soliciting and he basically said, "I'm not a  
4 solicitor," so I went and answered the door and he said,  
5 "I'm with Vivint and Vivint is buying out CPI and you  
6 will no longer have CPI for your security company, and I  
7 -- I guess I got scared and worried and he pretty much  
8 talked me into going with Vivint.

9 Q. So, as -- as I understand it, he comes to  
10 the door and you -- you said you told him -- you pointed  
11 to the sticker; is that right?

12 A. Yes, sir.

13 Q. Okay.

14 A. He knew the sticker was on the door. He  
15 knew that -- the sign's about like that and he knew it  
16 was on the door and he did specify or he said, "I'm not  
17 a solicitor.

18 Q. And then he told you that Vivint had  
19 bought out CPI?

20 A. Correct.

21 MR. HERBERT: Correct.

22 A. Correct.

23 BY MR. EBLEN:

24 Q. So, at -- at that point in time in your  
25 mind, did you believe that the gentleman at the door was

1 up and above my contract with CPI, I paid an additional  
2 I think it was a \$150 for the -- for the camera that was  
3 on the outside of my house that Vivint tore up, cut the  
4 wires on it. I couldn't use it anymore. That was --  
5 that was my camera. It wasn't CPI camera, it was my  
6 camera.

7 Q. (indiscernible crosstalk)

8 A. I paid for it.

9 Q. My -- my question -- my question was  
10 actually, ultimately, once you -- once you reinstated  
11 your service with CPI or Vivint, they -- they -- they  
12 came in and installed all new equipment so that you got  
13 all equipment that you were satisfied with from CPI is  
14 that --

15 A. Right. But I wouldn't have had to -- they  
16 wouldn't have had to replace the camera if Vivint hadn't  
17 have tore up the camera.

18 Q. Okay. I understand.

19 Let me change gears a little bit and ask  
20 you about something that Mr. Eblen asked you about  
21 earlier and that was a survey, a video survey that you  
22 were asked to take at the -- prior to the installation  
23 of the -- the Vivint equipment. When Mr. -- and Mr.  
24 Eblen asked you if you -- if you remembered taking a --  
25 a video survey or if the Vivint sales representative

1 administered a video survey, and I believe you testified  
2 that you don't -- you don't remember specifically; is  
3 that right?

4 A. No, sir. I -- I could have, but I really  
5 don't remember. I'm -- I'm sorry. I don't remember.

6 Q. No. No problem at all. I -- I -- I  
7 understand. Now, he referred to it as a video survey,  
8 so it might be a little bit difficult to understand. I  
9 think that you remember the Vivint sales representative  
10 showing you something on his tablet or his device where  
11 they asked you like a series of question and it said,  
12 you know, there was a -- a microphone icon and it asked  
13 you to tap that and you were asked certain questions and  
14 then you answered them. Does that sound familiar or  
15 does that refresh your memory?

16 A. It -- it could -- I -- to tell you the  
17 truth, I just don't remember.

18 Q. Okay.

19 A. I mean, it was a long day that day.

20 Q. I -- I understand.

21 A. A long, hot day.

22 Q. I understand. If I represented to you  
23 that that survey -- you did take that survey and in that  
24 survey you did indicate that you understood that Vivint  
25 and CPI were not affiliated companies, as you sit here

1 today, it sounds like you -- you can't remember one way  
2 or another whether you said that, would that refresh  
3 your recollection if I just represented that to you?

4 MR. EBLEN: Object to form and foundation.  
5 It assumes facts. You may answer.

6 BY MR. HERBERT:

7 Q. I can rephrase the question. It wasn't  
8 probably not all that clear, and I apologize.

9 My question is if I represented to you  
10 that you -- you did take a -- a video survey  
11 administered by the -- by the Vivint sales rep --

12 A. I don't remember a video. I definitely do  
13 not remember a video. Now, I -- I could have, but I  
14 don't remember no video.

15 Q. Right. And you might have only seen a  
16 tablet and -- and have been -- been asked questions that  
17 you responded to. You might not have seen the video  
18 camera or seen yourself on video, but you were asked  
19 questions at the time of your interaction with the  
20 Vivint sales rep presented and you answered several of  
21 those questions and what I -- what I -- we can -- we can  
22 play a clip from the video here in a minute, but I  
23 wanted to say -- ask you does it refresh your  
24 recollection if I represent to you that one of the  
25 questions in that video survey was whether you

1 understood that Vivint was not affiliated with your  
2 previous security company and -- and you answered that,  
3 yes, you understood that. So does that refresh your  
4 recollection?

5 A. No. The only thing I know is, is whatever  
6 he told me in front of my house in front of my door that  
7 Vivint was buying out CPI and whatever he said or is  
8 written down or whatever, I know what he said. I know  
9 what Mr. Curtis said that CPI -- Vivint was buying out  
10 CPI.

11 Q. All right. Well, let me -- I'm just going  
12 to play a little short clip for you of the video survey.  
13 I'm going to share my screen so that should appear. It  
14 might be a minute. This is the first time I've used  
15 this technology, so be patient with me because I'll wait  
16 until Charlie clears out his screen.

17 MR. HERBERT: Do you want to stop sharing  
18 your screen, Charlie?

19 MR. EBLEN: Yes, sir.

20 BY MR. HERBERT:

21 Q. Okay. It might start playing right away  
22 or it (indiscernible) some time. Let me back up. All  
23 right. Ms. Ward, can you -- can you see the screen now.  
24 It looks like a blue blank -- like a video player with a  
25 little play button at the bottom, do you see that?



1 A. Yes, sir.

2 Q. So I'm going to play a video and ask you  
3 to -- to look at it and tell me if you -- if you  
4 recognize the video. Okay. Give me one second.

5 (Video clip is played for the witness.)

6 Q. So, Ms. Ward, were you able to hear the --  
7 the audio component of that video clip?

8 A. I thought I heard my voice, yes.

9 Q. All right. And did you see yourself?

10 A. No.

11 Q. Okay. I'm sorry. Hold on one second. I  
12 guess I didn't do this right.

13 (Video clip is played for the witness.)

14 Q. Give me one second. Let me  
15 (indiscernible).

16 A. Okay. I see -- I see a picture of me.

17 Q. All right. I apologize for that. I'm  
18 going to -- I'm going to start this over and play it  
19 again. Okay. All right. So you -- you -- this -- now  
20 this is a still frame from the beginning of the clip  
21 that I want to play and you -- you can -- do you  
22 recognize that as a -- as a still frame of the -- a  
23 picture of yourself there?

24 A. Yes, sir.

25 Q. All right. I'm going to play it and let

1 me know if you can hear it, okay?

2 (Video is played for the witness.)

3 Q. Okay. So, Ms. Ward, did you -- did that  
4 refresh your recollection about some questions that you  
5 were asked on -- on the day of the -- you entered into  
6 the contract with Vivint?

7 A. That kind of, sort of, was but you -- I --  
8 you're still talking a long time ago, I mean, as far as  
9 my -- my memory goes, I mean.

10 Q. But that was -- that was you in the video,  
11 correct?

12 A. That was me.

13 Q. All right. And -- and you understood the  
14 question that was asked of you in that video when you  
15 answered it yes?

16 A. Maybe I didn't understand the question  
17 because the only thing I know is Mr. Curtis told me  
18 Vivint was buying out CPI. That's the only thing I know  
19 --

20 Q. All right.

21 A. -- so whatever he -- he -- they -- that --  
22 that video you just showed says, it's not what Curtis  
23 said.

24 Q. I -- I understand, but you're not --  
25 you're not disputing that you answered the question that

1 was asked in that video clip?

2 A. I answered the question, but I may have  
3 not answered the question knowing what I know now.

4 Q. Okay. Hold on one second. I don't think  
5 I -- I don't think I'll have any other questions. Just  
6 give me one little break. Ms. Ward?

7 A. Sir?

8 Q. Yeah. Just -- just one quick follow-up  
9 question. You recall that your prior contract with CPI  
10 was also a contract for 60 months, that the term of the  
11 contract was a 60-month or five-year period?

12 A. Probably. I -- I don't remember that  
13 either but....

14 Q. Okay. So if I represented to you that --  
15 that the original contract you did sign with CPI back in  
16 2015 was a -- was a 60-month contract, you don't have  
17 any --

18 A. Yeah.

19 Q. -- reason to disagree with me, is that  
20 fair enough?

21 A. I'm -- I'm not disagreeing with you, no.

22 Q. Okay.

23 MR. HERBERT: No further -- I think those  
24 are all the questions I have subject to I might have  
25 some follow-up if Mr. Eblen has any follow-up. Thank